

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:
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DELPHI CORPORATION, <u>et al.</u> ,	:
	:
Debtors.	:
	:
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ORDER PURSUANT TO 11 U.S.C. § 502(b) AND FED. R. BANKR. P. 3007  
DENYING CITY OF DAYTON, OHIO MOTION FOR RECONSIDERATION OF PROOF OF  
CLAIM 16404 AND MOTION TO FILE LATE PROOF OF CLAIM 16640

("CITY OF DAYTON, OHIO ORDER")

Upon the City Of Dayton's (1) Response To Debtors' Twenty-Sixth Omnibus Objection Pursuant To 11 U.S.C. § 502(b) And Fed R. Bankr. P. 3007 To Certain (A) Duplicate Or Amended Claims, (B) Untimely Claims Not Reflected On Debtors' Books And Records, (C) Untimely Claims, And (D) Claims Subject To Modification And Modified Claim Asserting Reclamation, Or In The Alternative (2) Motion For Reconsideration Of Expungement Of The Claims Of The City Of Dayton Related To The Debtors' Thirteenth Omnibus Objections (Docket No. 13092) (the "Motion for Reconsideration") pursuant to Fed. R. Bankr. P. 3008; and upon the City Of Dayton's Motion Requesting Authority To File A Claim After The Bar Date (Docket No. 13283) (the "Motion to File Late Claim," and together with the Motion for Reconsideration, the "Motions") pursuant to Fed. R. Bankr. P. 9006; and the Debtors' Objection To City Of Dayton's (A) Motion For Reconsideration Of Expungement Of The Claims Of The City Of Dayton Related To The Debtors' Thirteenth Omnibus Objections And (B) Motion Requesting Authority To File A Claim After The Bar Date (Docket No. 13406) (the "Objection") filed by Delphi

Corporation and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"); and this Court having considered the documents and exhibits filed by the City of Dayton and by the Debtors and the arguments of both parties at the hearing on this matter conducted on April 18, 2008 (the "Hearing"); and for the reasons stated by the Court at the Hearing; and after due deliberation thereon; and good and sufficient cause appearing therefor,

IT IS HEREBY FOUND AND DETERMINED THAT:<sup>1</sup>

A. The Court has jurisdiction over the Motions and the Objection pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of the Motions and the Objection is a core proceeding under 28 U.S.C. § 157 (b)(2). Venue of these cases and the Motion and the Objection is proper under 28 U.S.C. §§ 1408 and 1409.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion for Reconsideration is hereby denied with prejudice for the reasons set forth more fully on the record at the Hearing.
2. The Motion to File Late Claim is hereby denied with prejudice for the reasons set forth more fully on the record at the Hearing.
3. Proof of claim number 16640 is hereby disallowed and expunged in its entirety with prejudice.

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<sup>1</sup> Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. See Fed. R. Bankr. P. 7052.

4. The requirement under Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York for the service and filing of a separate memorandum of law is deemed satisfied.

Dated: New York, New York  
May 7, 2008

/s/Robert D. Drain

UNITED STATES BANKRUPTCY JUDGE